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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/629,543	07/30/2003	Chang Jin Ha	HI-0156	6500
34610	7590	03/14/2006	EXAMINER	
FLESHNER & KIM, LLP P.O. BOX 221200 CHANTILLY, VA 20153			DAS, CHAMELI	
			ART UNIT	PAPER NUMBER
			2192	

DATE MAILED: 03/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/629,543

Applicant(s)

HA, CHANG JIN

Examiner

CHAMELI C. DAS

Art Unit

2192

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application:
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/15/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-23 are pending.

Claim Objections

2. Claim 16 is objected to because of the following informalities: Claim 16 recites "AC power source". The term "AC" should be spelled out. Appropriate correction is required.

Drawings

3. The Drawings filed on 7/30/03 have been accepted by the Examiner.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-15, 20-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Chawla et al (Chawla), US 6,442,067.

As per claim 1, Chawla discloses:

- a first memory divided into at least two blocks wherein each of the blocks store system control programs (Abstract, col 2 lines 46-52), where "ROM" is the first memory
- a second memory that temporarily stores the programs stored in the first memory used to selectively update the first memory (Abstract, col 2 lines 55-60), update the first memory is shown in (col 6 lines 26-32).

As per claim 2, Chawla discloses:

- the first memory is a ROM that is divided into a main block and an auxiliary block (Abstract, col 2 lines 46-60)

As per claim 3, Chawla discloses:

- the main block of the ROM stores firmware for operating system (col 2 lines 48-64)

As per claim 4, Chawla discloses:

- auxiliary block of the ROM comprises at least one system recovery function routine firmware (abstract, lines 16-18, col 2 lines 63-68)

For claim 5 (Chawla, col 5 lines 20-25).

For claim 6 (Chawla, Abstract, col 2 lines 55-60, col 6 lines 32-37, col 6 lines 26-32).

As per claim 7, Chawla discloses:

- a micro-controller (col 4 lines 23-35)
- a first memory in the micro-controller that is divided into first and second blocks, wherein the first and second blocks stores system control program (Abstract, col 2 lines 46-52).

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For claim 8 (col 4 lines 11-23, col 6 lines 21-32).

For claim 9 (Abstract, col 6 lines 21-32, col 6 lines 63-67, col 7 lines 1-15).

For claim 10 (abstract, col 2 lines 64-67, col 3 lines 1-5).

For claim 11 (abstract).

For claim 12 (col 6 lines 65-67, col 7 lines 1-5, col 6 lines 32-37, col 2 lines 64-67, col 3 lines 1-5).

For claim 13 (col 2 lines 63-67, col 3 lines 1-5).

For claim 14 (col 2 lines 50-67, col 6 lines 12-50).

For claim 15 (col 2 lines 66-67, col 3 lines 23-26, col 4 lines 4-7).

For claim 20 (Chawla, col 6 lines 11-67).

For claim 21 (Chawla, col 4 lines 44-45, col 6 lines 35-37).

As per claim 22 Chawla discloses:

- logically dividing a ROM storing firmware into a main block and an auxiliary blocks (Abstract)
- recording firmware on the main block (col 2 lines 48-67)
- recording auxiliary firmware for selectively deleting and recording the main firmware on the auxiliary blocks (col 2 lines 64-67, col 3 lines 1-30)
- confirming an update command ... ROM (col 3 lines 24-30)
- loading a control program ... to a RAM (col 2 lines 55-60)
- confirming one ... will be recorded (col 7 lines 54-67 col 8 lines 1-8)
- deleting the contents ... new firmware thereon (col 7 lines 53-56).

For claim 23 (col 7 lines 54-67, col 8 lines 1-10).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 16- 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chawla et al (Chawla), US 6,442,067 and further in view of official notice taken by the Examiner.

For claim 16 (col 3 lines 1-5), where “power failure occurring” indicates removing all power sources to the computer system. Chawla discloses applying power on the system (col 7 lines 60-63), where “system power up” clearly shows that “applying power source”. Chawla discloses shifting the control block to the auxiliary block is shown in abstract, where “***switches the active/inactive status*** of the two firmware images to make the previously inactive image the active image” clearly indicates shifting control block” as claimed. Chawla does not specifically disclose AC power source. However, official notice is taken for alternate current (AC) power source. The modification would be obvious because alternate current reverses its direction of flow periodically according to a frequency measured in hertz or cycles per second, otherwise the current may stop or change amplitude.

For claim 17 (Chawla, abstract, col 2 lines 64-67, col 3 lines 1-5).

For claim 18 (Chawla, abstract, col 2 lines 64-67, col 3 lines 1-5).

For claim 19 (Chawla, col 5 lines 20-25).

Conclusion

9. The prior art made or record and not relied upon is considered pertinent to applicant's disclosure.

TITLE: Power-on software for robust boot, US 6487464 B1

TITLE: Information processing apparatus and method, recording medium, storage medium, and program, US 6981253 B2

TITLE: Method for updating firmware of computer device, US 6907602 B2

TITLE: Method and apparatus for providing updated firmware in a data processing system, US 5878256 A

TITLE: Programmable controller, US 4058850 A

TITLE: System for handling occurrence of exceptions during execution of microinstructions while running floating point and non-floating point instructions in parallel, US 5134693 A

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chameli Das whose telephone number is 571-272-3696.

The examiner can normally be reached on Monday-Friday from 7:00 A.M. to 3:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Tuan Dam can be reached at 571-272-3695. The fax number for this group is (571) 273-8300.

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An inquiry of general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is 571-272-2100.

Chameli C. Das
CHAMELI C. DAS
PRIMARY EXAMINER
3/9/06